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Attorneys for Defendant
Dr. Ylbe Franco-Palacios, M.D.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MELISSA C. FIORI-LACIVITA,

Plaintiff,

V.

YLBE FRANCO-PALACIOS, M.D., :
et al., :

Defendants.

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 : HONORABLE
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 : Civil Action No.
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 : **NOTICE OF REMOVAL**
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TO: Paul M. da Costa, Esquire
Synder and Sarno, LLP
425 Eagle Rock Ave.
Roseland, NJ 07068
Attorney for Plaintiff

Michael G. Halpin, Esquire
Grossman, Heavey & Halpin, P.C.

1608 Highway 88 West, Suite 200
Brick, NJ 08724

Attorney for Defendants Jason Meade, D.O., Morta Vaisyte, R.N., Nekeya Gray, R.N., Andrea Sayre, R.N., Inspira Medical Centers, Inc., Jessica Balkema, D.O., Kelly Lannutti, D.O., Sara Clymer, D.O., Rama Kastury, D.O., and Tameka Sisco, D.O.

Robert T. Evers, Esquire
Marshall Dennehy Warner Coleman & Goggin
425 Eagle Rock Avenue, Suite 302
Roseland, NJ 07068

Attorney for Defendant Regional Woman's Health Group, LLC d/b/a Luciano J. Bispo, M.D.

Michael R. Ricciardulli, Esquire
Ruprecht Hart Weeks & Ricciardulli, LLP
53 Cardinal Drive, Suite 1
Westfield, NJ 07090

Attorney for Defendant Eric Bonifield, M.D.

PLEASE TAKE NOTICE that this case, previously pending in the New Jersey Superior Court, Law Division, Cumberland County, Docket No. L-86-16, is hereby removed to the United States District Court for the District of New Jersey, pursuant to 42 U.S.C. § 233(c). The United States of America is hereby substituted for removing Defendant Dr. Ylbe Franco-Palacios, M.D. pursuant to 42 U.S.C. § 233(c) and (g), with respect to all of the claims set forth against him in the Complaint. The United States of America, by and through its undersigned attorneys, respectfully states the following in support of the removal of this matter:

1. The Complaint was filed in the New Jersey Superior Court, Law Division, Cumberland County, on or about February 1, 2016. See Exhibit A (State Court Docket). The trial has not yet occurred. See Docket, Ex. A. Service

of process has not been effected upon the Defendant Dr. Franco-Palacios in the manner specified in and required under Fed. R. Civ. P. 4(i).

2. Plaintiff has filed this civil action seeking damages from Defendant Dr. Franco-Palacios for personal injuries she allegedly sustained as the direct and proximate result of Defendant Dr. Franco-Palacios' and others' alleged negligence (i.e., medical malpractice). See Exhibit B (Complaint).
3. At all times relevant to this Complaint, Defendant Dr. Franco-Palacios was a deemed employee of the United States pursuant to 42 U.S.C. § 233(g). See Exhibit C (Declaration of Meredith Torres).
4. This action is deemed to be an action against the United States because Defendant Dr. Franco-Palacios was acting within the scope of her employment as an employee of the United States pursuant to 42 U.S.C. § 233(c). See Exhibit D (Certification of Scope of Employment).
5. Sections 233(a) and (g) of Title 42 of the United States Code, as amended by the Federally Supported Health Centers Assistance Act of 1995 (Public Law 104-73) provide that the Federal Tort Claims Act ("FTCA") is the exclusive remedy for tort claims against the United States.
6. The United States District Courts have exclusive jurisdiction over tort actions filed against the United States under the FTCA. 28 U.S.C. § 1346(b).
7. Counsel for Defendants Jason Meade, D.O., Morta Vaisyte, R.N., Nekeya Gray, R.N, Andrea Sayre, R.N., and Inspira Medical Centers, Inc. has filed an answer on behalf of those Defendants. See Exhibit E.
8. Counsel for Defendant Regional Women's Health Group, LLC d/b/a/ Luciano J. Bispo, M.D. has filed an answer on behalf of that Defendant. See Exhibit F.

9. Counsel for Defendants Jessica Balkema, D.O., Kelly Lannutti, D.O., Sara Clymer, D.O., and Rama Kastury, D.O. has filed an answer on behalf of those Defendants. See Exhibit G.
10. Counsel for Defendant Eric Bonifield, M.D. has filed an answer on behalf of that Defendant. See Exhibit H.
11. Counsel for Defendant Tameka Sisco, D.O. has filed an answer on behalf of that Defendant. See Exhibit I.
12. This Notice of Removal will be filed with the Clerk of the New Jersey Superior Court, Law Division, Cumberland County, and will be served on all parties in accordance with 28 U.S.C. § 1446(d). See Exhibit J (Letter to Clerk of New Jersey Superior Court).

PAUL J. FISHMAN
United States Attorney

s/Jessica R. O'Neill
By: JESSICA R. O'NEILL
Assistant U.S. Attorney

Dated: July 21, 2016